

Senate Bill No. 1315

CHAPTER 214

An act to amend Section 53071.5 of the Government Code, relating to imitation firearms.

[Approved by Governor August 28, 2012. Filed with
Secretary of State August 28, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1315, De León. Imitation firearms: regulation: County of Los Angeles.

Existing law provides that the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined, and that those provisions shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles, as specified. Existing law defines "imitation firearm" as any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

This bill would provide an exception to those provisions by authorizing the County of Los Angeles, or any city within the County of Los Angeles, to enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm and that expels a projectile that is no more than 16 millimeters in diameter.

The people of the State of California do enact as follows:

SECTION 1. Section 53071.5 of the Government Code is amended to read:

53071.5. (a) By the enactment of this section, the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined in subdivision (a) of Section 16700 of the Penal Code, and that subdivision shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles described in Section 16250 of the Penal Code.

(b) Notwithstanding subdivision (a), the County of Los Angeles, and any city within the County of Los Angeles, may enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that meets both of the following requirements:

(1) The device is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

(2) The device expels a projectile that is no more than 16 millimeters in diameter.